

1990

JACK C. SYLVE, CLERK
U.S. DISTRICT COURT

No. 89-C-272-E

Defendants.

Keith Ward

RDK/04-90347/skb

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

MAY 10 1990

Jack C. Silver, Clerk
U.S. DISTRICT COURT

DELBERT B. CULVER,

Plaintiff,

v.

HALLIBURTON COMPANY,

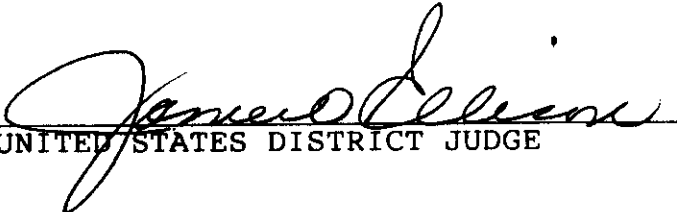
Defendant.

Case No. 88-C-325-E

ORDER OF DISMISSAL WITH PREJUDICE

Upon the Application of the Plaintiff, the Court hereby orders that this action be, and the same hereby is dismissed with prejudice to its refiling as to Defendant on all counts.

IT IS SO ORDERED.


UNITED STATES DISTRICT JUDGE

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

MAY 10 1990

Jack C. Silver, Clerk
U.S. DISTRICT COURT

BANK OF OKLAHOMA, et al.,

Plaintiffs,

vs.

THE ISLANDS MARINA, LTD.,
et al.,

Defendants.

Case No. 88-C-1335-E

ORDER

NOW on this 9th day of May, 1990, comes on for consideration the above styled matter and the Court, being fully advised in all premises, finds that currently pending before the Court are two Reports and Recommendations of United States Magistrate Wolfe dated November 13, 1989 and April 20, 1990, respectively and the Application of Genmar-Wellcraft to Amend Pretrial Order.

After careful consideration of the record and the issues involved therein, the Court has concluded that the Reports and Recommendations of the Magistrate should be and are hereby adopted by the Court. Additionally, the Court has read and reviewed the Motion of FNBV for Order Dismissing Defendant Jerry Courtney Without Prejudice if Margaret Courtney's Motion to Dismiss for Lack of Personal Jurisdiction is Sustained, and has expedited Defendant Jerry Courtney's response thereto. The Court finds that such motion is well taken, and should be granted, thereby allowing the action to be refiled in a proper forum, naming all necessary parties to the fraudulent conveyance claims. Finally, the Court finds that Genmar-Wellcraft's Application to Amend Pretrial Order

must be denied, as it seeks to add a party not deposed and an exhibit not produced during the discovery phase of the case.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Margaret Courtney's Motion to Dismiss for Lack of Personal Jurisdiction is hereby granted, and FNBV's claim against her dismissed, without prejudice to its re-assertion in the proper forum.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant Jerry Courtney's Motion to Dismiss for Lack of Subject Matter Jurisdiction is hereby denied.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Genmar-Wellcraft's Motion in Limine is hereby denied.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that FNBV's Motion in Limine is hereby granted and FNBV's Application for Amendment of the Pretrial Order is hereby granted, the Court already having allowed FNBV to amend its cross-claims against the Courtneys.


IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the various objections to exhibits and designations are ruled on as set forth more specifically in the Magistrate's Report and Recommendation of November 13, 1989.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant Jerry Courtney is ordered to make monthly installment payments to FNBV in the sum of \$4,486.33 in aid of FNBV's Judgment against him until the same be satisfied.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Motion of FNBV to Dismiss Defendant Jerry Courtney Without Prejudice if Margaret Courtney's Motion to Dismiss for Lack of Personal Jurisdiction is Sustained is hereby granted.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Genmar-Wellcraft's Application to Amend Pretrial Order is hereby denied.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the parties are to prepare and file an Amended Agreed Pretrial Order, reflecting the rulings of the Court in this Order, as well as all rulings made subsequent to filing of the last Pretrial Order. Such Amended Agreed Pretrial Order is to be filed no later than May 16, 1990.


JUDGE JAMES O. ELLISON
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

MAY 10 1990

Jack C. Silver, Clerk
U.S. DISTRICT COURT

TORANCE WAYNE LA COUR,
Plaintiff,

vs.

No. 89-C-67-B

J.T. SPITLER, P.X. BARONI, G. MOORE,
THE CITY OF TULSA, THE BOARD OF
COUNTY COMMISSIONERS OF TULSA
COUNTY,
Defendants.

O R D E R

Plaintiff was granted leave to file a Third Amended Complaint on or before October 20, 1989. Plaintiff was contacted on March 19, 1990 regarding the status of the Amended Complaint and stated same would be filed within one week. No such Complaint, or any other pleading has been filed since October 18, 1989. The action is hereby DISMISSED for failure to prosecute. Fed.R.Civ.P. 41(a)(2).

IT IS SO ORDERED, this 10th day of May, 1990.


THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

MAY 10 1990

STEVE McBRIDE,

Plaintiff,

vs.

AMERICAN AIRLINES, INC.,
a foreign corporation,

Defendant.

No. 90-C-195-E

Jack C. Silver, Clerk
U.S. DISTRICT COURT

ORDER

The Court has for consideration the Joint Application for Dismissal with Prejudice and having been advised that the parties have settled the captioned case and being fully advised in the premises, FINDS that the same should be granted.

IT IS THEREFORE ORDERED that the Joint Application for Dismissal with Prejudice be, and the same is, hereby granted and the above-styled action and Complaint is hereby dismissed with prejudice and without costs or attorneys' fees pursuant to Rule 41(a), Fed.R.Civ.P.

DATED this 9th day of May, 1990.

S/ JAMES O. ELLISON

UNITED STATES DISTRICT JUDGE

Approved:

Kimberly A. Lambert
attorney for defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

MAY 10 1990

Jack C. Silver, Clerk
U.S. DISTRICT COURT

CHEMICAL BANK, THE FIRST \$
NATIONAL BANK OF BOSTON, \$
THE BANK OF CALIFIORNIA, N.A., \$
CANADIAN IMPERIAL BANK OF \$
COMMERCE, CONTINENTAL BANK, N.A. \$
and BANK ONE, TEXAS, NATIONAL \$
ASSOCIATION, \$

Plaintiffs, \$

V. \$

HEALTHVEST, a Maryland Real \$
Estate Investment Trust, \$

Defendant. \$

C. A. 90-C-151-E

NOTICE OF DISMISSAL WITHOUT PREJUDICE

The Plaintiffs, CHEMICAL BANK, THE FIRST NATIONAL BANK OF BOSTON, THE BANK OF CALIFORNIA, N.A., CANADIAN IMPERIAL BANK OF COMMERCE, CONTINENTAL BANK, N.A., and BANK ONE, TEXAS, NATIONAL ASSOCIATION, pursuant to Fed. R. Civ. P. 41(a)(1)(i) file this their Notice of Dismissal Without Prejudice and hereby stipulate that the above-entitled and numbered action is dismissed without prejudice as to refiling and that all costs of court are taxed against the parties incurring same.

Respectfully submitted,

WINSTEAD SECHREST & MINICK P.C.
Suite 800
100 Congress
Austin, Texas 78701
(512) 474-4330

By: 

W. Mike Baggett
State Bar No. 01511300
Kemp W. Gorthey
State Bar No. 08221275

ATTORNEYS FOR CHEMICAL BANK, THE
FIRST NATIONAL BANK OF BOSTON, THE
BANK OF CALIFORNIA, N.A., CANADIAN
IMPERIAL BANK OF COMMERCE,
CONTINENTAL BANK, N.A. AND BANK
ONE, TEXAS, NATIONAL ASSOCIATION

GABLE & GOTWALS, P.C.
2000 Fourth National Bank Building
15 West Sixth Street
Tulsa, Oklahoma 74119
918/582-9201

By: Richard B. Noulles
Richard B. Noulles
Elizabeth Muratet

ATTORNEYS FOR CHEMICAL BANK, THE
FIRST NATIONAL BANK OF BOSTON, THE
BANK OF CALIFORNIA, N.A., CANADIAN
IMPERIAL BANK OF COMMERCE,
CONTINENTAL BANK, N.A. AND BANK
ONE, TEXAS, NATIONAL ASSOCIATION

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

F I L E D

MAY 9 1991

BETTY JEAN GIFFORD,
Plaintiff,

vs.

KERA CORPORATION,
a California corporation,
Defendant.

Jack C. Silver, Clerk
U.S. DISTRICT COURT

Case No. 88-C-1226-E

JUDGMENT

Upon Stipulation of the parties, judgments are hereby entered as follows:

Plaintiff, Betty Jean Gifford, have and recover judgment of and from the Defendant, Kera Corporation, for the sum of \$17,309.67.

Intervenor, J. E. Hawkins, have and recover judgment of and from the Defendant, Kera Corporation, for the sum of \$6,623.60

Intervenor, J. J. Hawkins, have and recover judgment of and from the Defendant, Kera Corporation, for the sum of \$4,415.73.

Intervenor, Elizabeth Ross, have and recover judgment of and from the Defendant, Kera Corporation, for the sum of \$11,039.33.

Intervenor, A. E. Reynolds, have and recover judgment of and from the Defendant, Kera Corporation, for the sum of \$22,078.67.

Intervenor, W. O. Gifford, have and recover judgment of and from the Defendant, Kera Corporation, for the sum of \$22,431.93.

Intervenor, W. F. Norris, have and recover judgment of and from the Defendant, Kera Corporation, for the sum of \$2,207.87.

Intervenor, Robert Baltosser, have and recover judgment of and from the Defendant, Kera Corporation, for the sum of \$2,207.87.

That all of said judgments shall bear interest at the rate of 8.32% per annum from date hereof until paid.

Plaintiff and Intervenor are restrained from all collection proceedings until November 1, 1990.

Dated this 8th day of May, 1990.

S/ JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

APPROVED:

David H. Sanders
DAVID H. SANDERS
Attorney for Plaintiff

Charles M. Sublett
CHARLES M. SUBLETT
Attorney for Intervenor

Michael J. Edwards
MICHAEL J. EDWARDS
Attorney for Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

MAY 9 1990

Jack C. Silver, Clerk
U.S. DISTRICT COURT

THE CIT GROUP/FACTORING
MEINHARD-COMMERCIAL WESTERN, INC.,

Plaintiff,

v.

INGRAM DISTRIBUTION GROUP,
INC.,

Defendant.

Case No. 88-C-1654-E

STIPULATION OF DISMISSAL WITH PREJUDICE PURSUANT TO FED.R.CIV.P. 41

COME NOW the parties and, pursuant to Fed.R.Civ.P. 41(a)(1)(ii), stipulate to the dismissal of this action with prejudice.

DOERNER, STUART, SAUNDERS,
DANIEL & ANDERSON

JONES, GIVENS, GOTCHER & BOGAN,
a professional corporation

By: 

James McCann, OBA #5865
Jon E. Brightmire, OBA #11623
1000 Atlas Life Building
Tulsa, Oklahoma 74103
(918) 582-1211

ATTORNEYS FOR PLAINTIFF

By: 

Graydon Dean Luthey, Jr.,
OBA #5568
3800 First National Tower
Tulsa, Oklahoma 74103
(918) 581-8200

ATTORNEYS FOR DEFENDANT

FILED

MAY 9 1990

Jack C. Silver, Clerk
U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

DIANE BELIE,

Plaintiff,

vs.

GRAPHICS UNIVERSAL, INC.,
et al.,

Defendants.

)
)
)
)
)
)
)
)
)
)

Case No. 89-C-835-E

ORDER OF DISMISSAL WITH PREJUDICE

Pursuant to stipulation by and between the parties, this Court hereby dismisses all
claims in this matter with prejudice.

IT IS SO ORDERED this 8 day of May 1990.

S/ JAMES O. ELLISON

United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

EILEEN JOBIN,

Plaintiff,

vs.

No. 89-C-677-C ✓

KENNETH YOUNGBLOOD, an
individual, and BILL MESKER
and WILLIAM F. KLOBUCHER,
d/b/a U.S. LITE 'N TENDER
BRAND BEEF, INC.,

Defendants.

FILED

MAY 9 - 1990

Jack C. Silver, Clerk
U.S. DISTRICT COURT

ORDER OF DISMISSAL WITH PREJUDICE

WHEREAS, the parties hereto have stipulated and agreed that all issues have been settled between them and have requested the entrance of an Order of Dismissal with Prejudice of Plaintiff's Complaint, which order shall dispose of this matter fully, finally and completely.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED by the Court that the Plaintiff's Complaint is hereby dismissed with prejudice and that all matters are fully, finally and completely disposed of.

Dated this 8th day of May, 1990.


JUDGE OF THE DISTRICT COURT

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

WILLIAM POWELL,

Plaintiff,

vs.

THOMAS J. MIKULECKY, GEORGE
OATES, RUTH STEPHENS, and
WENDELL GILLIAM,

Defendants.

No. 86-C-654-C

F I L E D

MAY 9 - 1990

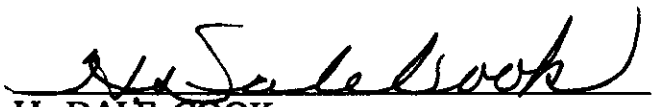
Jack C. Silver, Clerk
U.S. DISTRICT COURT

J U D G M E N T

The Court, having been advised by the parties that all matters raised in the mandate issued by the Tenth Circuit Court of Appeals on January 12, 1990 have been settled, hereby closes the case in accordance with the directives of the mandate.

It is therefore Ordered that Judgment is entered on behalf of each defendant and against the plaintiff on plaintiff's claims for constitutional deprivations.

IT IS SO ORDERED this 7th day of May, 1990.


H. DALE COOK
Chief Judge, U. S. District Court

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

WANDA YORK,

Plaintiff,

vs.

SKAGGS ALPHA BETA, INC.,

Defendant.

No. 86-C-320-E ✓

FILED

MAY 9 1990 *dt*

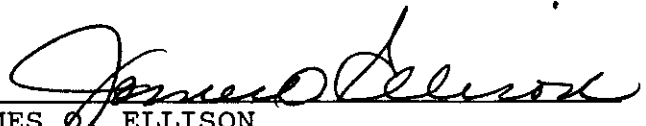
JUDGMENT

Jack C. Silver, Clerk
U.S. DISTRICT COURT

This action came on for jury trial on the Equal Pay Act claim and for advisory opinion from the jury on the Title VII claim, Honorable James O. Ellison, District Judge, presiding, and the issues having been duly tried and the jury having rendered its verdict, and the Court concurring in such verdict and rendering a similar verdict in the Title VII matter,

IT IS THEREFORE ORDERED that the Plaintiff Wanda York take nothing from the Defendant Skaggs Alpha Beta, Inc., that the action be dismissed on the merits, and that the Defendant Skaggs Alpha Beta, Inc. recover of the Plaintiff Wanda York its costs of action.

ORDERED this 8TH day of May, 1990.


JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

FILED

MAY 9 1990

Jack C. Silver, Clerk
U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

SPENCE RESEARCH INSTITUTE, INC.,

Plaintiff,

vs.

Case No. 88-C-566-E

BOB E. SURRETT, COLLEEN V. SURRETT,
NEVER M. FAIL, JR., MARILYN K. FAIL,
JOHN W. SUBLETT, LORENA P. SUBLETT,
RUSSELL N. FAIL, PATSY FAIL, PETER
L. BUTZ, SR., JANICE BUTZ, INSILCO
CORPORATION, JIM WALTER HOMES, INC.,
JEANNE SPERLING, MARIE DAVIS, DAVID
JOE DAVIS, JAMES L. WEBB, MARY G.
WEBB, BURTON KERR, JUDY C. KERR,
SECURITY NATIONAL BANK, SAPULPA
RANCH, INC., BOYD G. MCKAY, PAULA
MCKAY, JOSEPH WEIDER, PHYLLIS A.
WEIDER, and NICHOL ANN DAVIS,

Defendants,

and

DALLAS W. VANVALKENBURG, MARY ANN
VANVALKENBURG, CECIL SIMMONS, ROGER
D. ROGERS, LINDA K. ROGERS, JAMES
BUTLER, JOY BUTLER, TOMMY JOHNSON,
ERMA JOHNSON, LARRY MCGUIRE, MARTHA
MCGUIRE, BARBARA L. BUCKLEY, FRED
MEEKS, TERRY MEEKS, DALE SMITH, JEANA
SMITH, EVELYN ACHESON, ARLEY BAILEY,
MARY BAILEY, JESSE WHEELER, MARY ANN
WHEELER, THE CHURCH OF THE LIVING GOD,
WAYNE PETERSON, CARRIE PETERSON,
JOHN LEE and RHONDA L. LEE,

Additional Party
Defendants.

DEFICIENCY JUDGMENT

THIS ACTION comes on for hearing this 8th day of
May, 1990. The plaintiff, Spence Research Institute,
Inc., appearing by and through its attorney of record, Doyle

& Harris by Steven M. Harris, and the defendants, Bob E. Surrett and Colleen V. Surrett, appearing by and through their attorney of record, Pray, Walker, Jackman, Williamson & Marlar by Larry D. Leonard. After being fully advised in the pleadings in this matter and upon statements of counsel the Court finds as follows:


1. Judgment was entered herein on the 24th day of January, 1989, against the defendants, Bob E. Surrett and Colleen V. Surrett, and in favor of the plaintiff, Spence Research Institute, Inc., for the principal sum of \$140,890.87, plus accrued interest in the sum of \$3,108.63, which has been reduced to \$1,687.13, with interest accruing thereon at the rate of \$41.09 per day from the 2nd day of June, 1988, until paid, and all costs of the action.

2. Pursuant to the above judgment in favor of the plaintiff, Spence Research Institute, Inc., and a settlement agreement entered into by the parties, the subject collateral consisting of personal and real property were disposed of by mutual agreement and settlement.

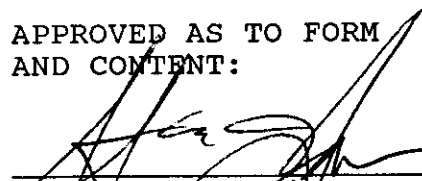
3. The parties agree that the disposition of the collateral was regular and appropriate in all respects, and that by stipulation and by virtue of the settlement agreement, a deficiency remains due the plaintiff, Spence Research Institute, Inc., from the defendants, Bob E. Surrett and Colleen V. Surrett (after complete disposition of all collateral), in the sum of \$62,000.00, plus interest on the

principal thereof (that principal consisting of \$47,853.05 of the \$62,000.00 judgment) at the rate provided for in the note from the date of the deficiency judgment, until paid in full.

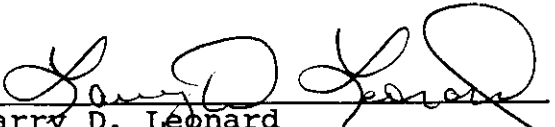
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT, that the plaintiff, Spence Research Institute, Inc., shall have and is hereby granted a deficiency judgment against the defendants, Bob E. Surrett and Colleen V. Surrett, for the sum of \$62,000.00, plus interest on the principal thereof (that principal consisting of \$47,853.05 of the \$62,000.00 judgment) at the rate provided for in the note from the date of this deficiency judgment, until paid in full.


JUDGE OF THE UNITED STATES
DISTRICT COURT

APPROVED AS TO FORM
AND CONTENT:


Steven M. Harris
Douglas R. Haughey
Boyle & Harris
2431 E. 61st Street
Suite 260
Tulsa, OK 74103
(918) 743-1276

Attorneys for Plaintiff



Larry D. Leonard
Dwight C. Kouri
PRAY, WALKER, JACKMAN,
WILLIAMSON & MARLAR
900 Oneok Plaza
Tulsa, OK 74103
(918) 584-4136

Attorneys for the Defendants,
Bob E. Surret and Colleen V.
Surret

436-2-19/rab

IN THE UNITED STATES DISTRICT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

Entered
FILED

MAY 9 - 1990 *A*

Jack C. Silver, Clerk
U.S. DISTRICT COURT

R. LOUISE KNIGHT, et al.,)
)
Plaintiffs,)
)
v.)
)
KNIGHT-CRAWFORD INDUSTRIES, INC.,)
et al.,)
)
Defendants,)
)
KNIGHT-CRAWFORD INDUSTRIES, INC.,)
)
Third-Party Plaintiff,)
)
v.)
)
DEAN B. KNIGHT, SR., et al.,)
)
Third-Party Defendants.)
)
)
DEAN B. KNIGHT, SR., et al.,)
)
Plaintiffs,)
)
v.)
)
KNIGHT-CRAWFORD INDUSTRIES, INC.,)
et al.,)
)
Defendants.)

Case No. 89-C-22 C ✓

Consolidated with

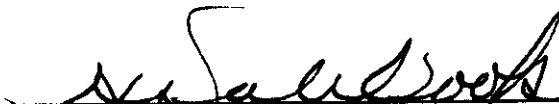
Case No. 89-C-788 C

ORDER

On the 12th day of April, 1990, Plaintiffs' and Third-Party Defendants' Objection to Report and Recommendation of U.S. Magistrate Regarding Motions to Dismiss of Defendants Chrysler Capital Corporation and Mario Caprile came on for hearing before the undersigned judge. The Court having fully examined the file

in this case and after hearing oral argument from counsel for the parties hereby accepts, without modification, the Report and Recommendation of the U.S. Magistrate, filed February 16, 1990, insofar as it recommends that Plaintiffs' Complaint against Defendant Chrysler Capital Corporation is hereby dismissed in all respects, with prejudice and without leave to amend or replead.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Plaintiffs' Complaint against Defendant Chrysler Capital Corporation is hereby dismissed in all respects, with prejudice and without leave to amend or replead.


H. DALE COOK
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

Entered

FILED

MAY -9 1990

JACK C. SILVER, CLERK
U.S. DISTRICT COURT

SHIRLEY THOMPSON, next of kin)
to BARBARA SUE RUTLEDGE,)
deceased,)

Plaintiff,)

vs.)

No. 89-C-165-C

ROY ZBINDEN, an individual, and)
YELLOW FREIGHT SYSTEM, INC.,)
a foreign corporation,)

Defendants.)

ORDER

Before the Court is the motion of the plaintiff for new trial. This matter came on for jury trial from December 19 to December 21, 1989, after which the jury returned a verdict in defendants' favor on plaintiff's claim of negligence.

The Court has carefully reviewed the arguments and authorities submitted by both sides. Plaintiff's allegations of errors may be divided into two groups: (1) jury instructions, and (2) improper conduct by defense counsel.

As to (1), the applicable standard is as follows:


When a motion for a new trial is predicated, as here, upon a challenge to the jury instructions, we consider the instructions given as a whole. In reviewing the instructions, we "consider all the jury heard, and from the standpoint of the jury, decide 'not whether the charge was faultless in every particular, but whether the jury was misled in any way and whether it had understanding of the issues and its duties to determine these issues.'"

After review of the instructions given in the case, the Court is not persuaded that they were erroneous.

Regarding statements by counsel, the Tenth Circuit has indicated that such may have a prejudicial impact on a jury verdict warranting reversal, but that context and significance within the trial as a whole is crucial. See Rexrode v. Amer. Laundry Press Co., 674 F.2d 826, 830-31 (10th Cir.) cert. denied, 459 U.S. 862 (1982). Upon review, the Court does not believe that the incidents in question rise to the level that a new trial is warranted.

It is the Order of the Court that the motion of the plaintiff for new trial is hereby DENIED.

IT IS SO ORDERED this 7th day of May, 1990.


H. DALE COOK
Chief Judge, U. S. District Court

FILED

MAY 9 1990

IN THE UNITED STATES DISTRICT COURT FOR Jack C. Silver, Clerk
THE NORTHERN DISTRICT OF OKLAHOMA U.S. DISTRICT COURT

CHESTER SESATA,

Plaintiff,

vs.

No. 89-C-39-B

MARRIOTT HOTELS, INC.,
and CHESAPEAKE HOTEL
LIMITED PARTNERSHIP,

Defendants.

ORDER OF DISMISSAL

NOW on this 9th day of May, 1990, upon
application of the parties for an ordering dismissing this cause
with prejudice, the Court finds that the same should be granted.

IT IS SO ORDERED.

S/ THOMAS R. BRETT
THOMAS R. BRETT
U.S. DISTRICT COURT JUDGE

IN UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

MAY 9 1990

Jack C. Silver, Clerk
U. S. DISTRICT COURT

ADVANCE-UNITED EXPRESSWAYS, INC. '

Plaintiff(s),

vs.

No. 89-C-785-B

MAYCO FIXTURE CO.

Defendant(s).

JUDGMENT DISMISSING ACTION
BY REASON OF SETTLEMENT

The Court has been advised by counsel that this action has been settled, or is in the process of being settled. Therefore, it is not necessary that the action remain upon the calendar of the Court.

IT IS ORDERED that the action is dismissed without prejudice. The Court retains complete jurisdiction to vacate this Order and to reopen the action upon cause shown that settlement has not been completed and further litigation is necessary.

IT IS FURTHER ORDERED that the Clerk forthwith serve copies of this Judgment by United States mail upon the attorneys for the parties appearing in this action.

IT IS SO ORDERED this 9th day of May, 19890.


United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

MAY -8 1990

NICK C. SILVER, CLERK
DISTRICT COURT

JANICE M. CHAMBERLAIN,
Individually and as Personal
Representative of the Heirs and
and Estate of HOWARD E.
CHAMBERLAIN, Deceased,

Plaintiff,

vs.

No. 88-C-133-E

FIBREBOARD CORPORATION, et al

Defendants.

JOINT STIPULATION OF DISMISSAL
WITHOUT PREJUDICE

COME NOW the parties hereto and, pursuant to Rule 41(a)(1), Fed. R. Civ. P., hereby voluntarily enter into this Joint Stipulation of Dismissal Without Prejudice, dismissing all named Defendants. This Joint Stipulation of Dismissal Without Prejudice is entered into as a means of settlement of this matter, which all parties believe to be in the best interests of their respective clients.

DATED this 6th day of September, 1989.

Respectfully submitted,

UNGERMAN & IOLA

JONES, GIVENS, GOTCHER,
BOGAN & HILBORNE

By: 

Mark H. Iola OBA #4553
1323 East 71st Street
Tulsa, Oklahoma 74136
(918) 495-0550
ATTORNEYS FOR PLAINTIFF

By: 

Joan Godlove OBA #10563
3800 First National Tower
Tulsa, Oklahoma 74103
(918) 518-8200
ATTORNEYS FOR DEFENDANT
CELOTEX CORPORATION

PRAY, WALKER, JACKMAN,
WILLIAMSON & MARLAR

By: 

John F. McCormick, Jr.

CBA #5915

900 Oneok Plaza

Tulsa, Oklahoma 74103

(918) 584-4136

ATTORNEYS FOR DEFENDANTS

FIBREBOARD CORPORATION,

PITTSBURGH-CORNING CORP. and

OWENS-ILLINOIS, INC.

HUCKABY, FLEMING, FRAILEY,
CHAFFIN & DARRAH

By: 

Scott M. Rhodes CBA #7533

1215 Classen Drive

Oklahoma City, Oklahoma 73146

(405) 235-6648

ATTORNEYS FOR DEFENDANT

OWENS-CORNING FIBERGLAS CORP.

DURBIN, LARIMORE & BIALICK

By: 

Stephen S. Boaz CBA #10620

920 North Harvey

Oklahoma City, Oklahoma 73102

(405) 235-9584

ATTORNEYS FOR DEFENDANT

GARLOCK, INC.

DAVIS, HOCKENBERG, WINE, BROWN,
ROHN & SHORS

By: 

for E. Ralph Walker

2300 Financial Center

Des Moines, Iowa 50309

(515) 243-2300

ATTORNEYS FOR DEFENDANTS ARMSTRONG

CORK COMPANY, GAF CORPORATION, and

FLEXITALLIC GASKET COMPANY, INC.

INGE, TWITTY, DUFFY, PRINCE
& MCKEAN

By: 

Frank Grey Redditt, Jr.

P. O. Box 1109

First Alabama Bank Building

Mobile, Alabama 36633

(205) 433-5441

ATTORNEYS FOR H. K. PORTER

COMPANY

~~Original~~
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

DANIEL-PRICE EXPLORATION
COMPANY, an Oklahoma
corporation,

Plaintiff,

v.

HUTTON GAS COMPANY, an Oklahoma
Partnership; DEYNE TANNIHILL
(County Treasurer of Pittsburg
County, Oklahoma), the BOARD OF
COUNTY COMMISSIONERS of
Pittsburg County, Oklahoma,
CHARLENE WILLMON (County
Treasurer of McIntosh County,
Oklahoma), the BOARD OF COUNTY
COMMISSIONERS of McIntosh
County, Oklahoma, BOBBY W. SMITH
(County Treasurer of Hughes
County, Oklahoma) and the BOARD
OF COUNTY COMMISSIONERS of
Hughes County, Oklahoma,

Defendants,

and

PACIFIC-MIDWEST GAS COMPANY,

Intervening Defendant.

Case No. 90-C-315-B

(United States District Court
for the Eastern District of
Oklahoma Case No. CIV 90-117-S

(District Court of Pittsburgh
County Case No. C-90-29)

FILED

MAY 8 1990

Jack C. Silver, Clerk
U.S. DISTRICT COURT

ORDER REFERRING CASE

This matter comes on before this Court on the 8th day
of May, 1990, pursuant to the Motion of Defendant Pacific-
Midwest Gas Company to Refer Case (the "Motion"). For good cause
shown, the Court finds that the Motion should be granted.

IT IS THEREFORE ORDRED that this case is referred to the
United States Bankruptcy Court for the Northern District of
Oklahoma as an adversary proceeding. The Clerk of this Court

shall send a certified copy of this Order together with the record in this case to the Clerk of the United States Bankruptcy Court for the Northern District of Oklahoma.

S/ THOMAS R. BRETT.
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

MAY 17 1990

Jack C. Silver, Clerk
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN M. MURPHY,

Defendant.

89-C-556-B

ORDER


The Court has for consideration the Report and Recommendation of the United States Magistrate filed March 16, 1990 in which the Magistrate recommended that judgment be entered against the Defendant, John McKinley Murphy, in the principal amount of \$10,591.60; with accrued interest as of March 15, 1990 in the amount of \$1,490.93: with interest thereafter accruing at the statutory rate.

No exceptions or objections have been filed and the time for filing such exceptions or objections has expired.

After careful consideration of the record and the issues, the Court has concluded that the Report and Recommendation of the United States Magistrate should be and hereby is adopted and affirmed.

It is, therefore, Ordered that judgment is entered against the Defendant, John McKinley Murphy, in the principal amount of \$10,591.60; with accrued interest as of March 15, 1990 in the amount of \$1,490.93: with interest thereafter accruing at the statutory rate.

Dated this 8th day of May, 1990.

A handwritten signature in cursive script, appearing to read "Thomas R. Brett", written over a horizontal line.

THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

MAY -8 1990

DIANN WATSON and DEANN DORWARD
Individually and as Personal
Representatives of the Heirs and
and Estate of Vernon Vance
Dennis, Deceased,

Plaintiffs,

vs.

FIBREBOARD CORPORATION, et al

Defendants.

JACK C. SILVER, CLERK
U.S. DISTRICT COURT

No. 88-C-84-E

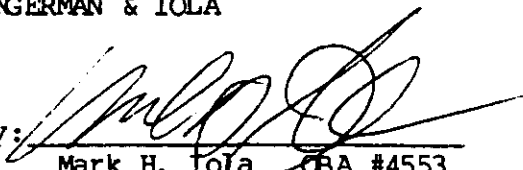
JOINT STIPULATION OF DISMISSAL
WITHOUT PREJUDICE

COME NOW the parties hereto and, pursuant to Rule 41(a)(1), Fed. R. Civ. P., hereby voluntarily enter into this Joint Stipulation of Dismissal Without Prejudice, dismissing all named Defendants. This Joint Stipulation of Dismissal Without Prejudice is entered into as a means of settlement of this matter, which all parties believe to be in the best interests of their respective clients.

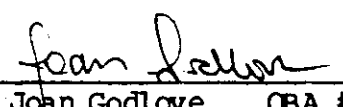
DATED this 6th day of September, 1989.

Respectfully submitted,

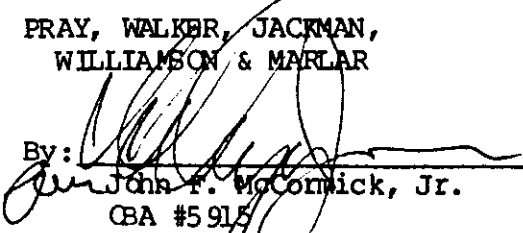
UNGERMAN & IOLA

By: 
Mark H. Iola OBA #4553
1323 East 71st Street
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(918) 495-0550
ATTORNEYS FOR PLAINTIFFS

JONES, GIVENS, GOTCHER,
BOGAN & HILBORNE

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3800 First National Tower
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(918) 518-8200
ATTORNEYS FOR DEFENDANT
CELOTEX CORPORATION

PRAY, WALKER, JACKMAN,
WILLIAMSON & MARLAR

By: 
John F. McCormick, Jr.

OBA #5915

900 Oneok Plaza

Tulsa, Oklahoma 74103

(918) 584-4136


ATTORNEYS FOR DEFENDANTS

FIBREBOARD CORPORATION,

PITTSBURGH-CORNING CORP. and

OWENS-ILLINOIS, INC.

HUCKABY, FLEMING, FRAILEY,
CHAFFIN & DARRAH

By: 
Scott M. Rhodes OBA #7533

1215 Classen Drive

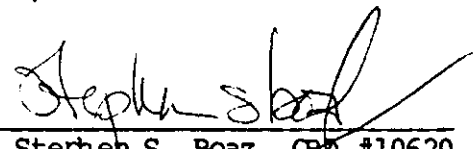
Oklahoma City, Oklahoma 73146

(405) 235-6648

ATTORNEYS FOR DEFENDANT

OWENS-CORNING FIBERGLAS CORP.

DURBIN, LARIMORE & BIALICK

By: 
Stephen S. Boaz OBA #10620

920 North Harvey


Oklahoma City, Oklahoma 73102

(405) 235-9584

ATTORNEYS FOR DEFENDANT


GARLOCK, INC.

DAVIS, HOCKENBERG, WINE, BROWN,
KOEHN & SHORS

By: 
E. Ralph Walker
2300 Financial Center
Des Moines, Iowa 50309
(515) 243-2300

ATTORNEYS FOR DEFENDANTS ARMSTRONG
CORK COMPANY, GAF CORPORATION, and
FLEXITALLIC GASKET COMPANY, INC.

INGE, TWITTY, DUFFY, PRINCE
& MCKEAN

By: 
Frank Grey Redditt, Jr.
P. O. Box 1109

First Alabama Bank Building
Mobile, Alabama 36633

(205) 433-5441

ATTORNEYS FOR H. K. PORTER
COMPANY

FILED

MAY -7 1990

JOHN K. SILVER, CLERK
U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

PHILLIPS 66 COMPANY,
a Corporation, and
PHILLIPS PETROLEUM COMPANY
a Corporation,
Plaintiffs

vs.

WESKEM, INC., a Corporation
Defendants.


Civil Action No. 90 C-333 B

DISMISSAL WITH PREJUDICE

COME NOW the plaintiffs, Phillips 66 Company and Phillips Petroleum Company, and hereby dismiss the Declaratory Judgment in the above-styled and above-captioned action against Weskem, Inc., with prejudice to the refiling of the same.

DATED this 7th day of May, 1990.

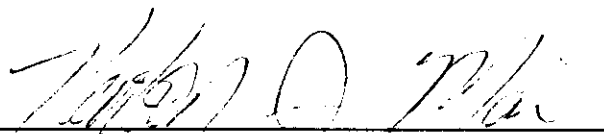
Respectfully submitted,
PHILLIPS 66 COMPANY and
PHILLIPS PETROLEUM COMPANY


By: Kenton J. Mai, Attorney
#013723
1264 Adams Building
Bartlesville, OK 74004
(918) 661-6356
Attorney for Plaintiffs
PHILLIPS 66 COMPANY and
PHILLIPS PETROLEUM COMPANY

CERTIFICATE OF SERVICE

This is to certify that on this 7th day of May, 1990, a true and correct copy of the above and foregoing instrument was served upon Thomas A. Monson, Attorney for the defendants, by placing it in the U.S. Mail in Tulsa, Oklahoma, addressed to:

Mr. Thomas A. Monson
C&G Holdings I Inc.
701 Harger Road, Suite 190
Oak Brook, IL 60521



Kenton J. Mai
Attorney for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

MAY 7 1990

Jack C. Silver, Clerk
U.S. DISTRICT COURT

IRIS LYNN PEEVYHOUSE,
Personal Representative
of the Estate of
William Benson Croft,

Plaintiff,

vs.

BANKERS LIFE AND CASUALTY
COMPANY,

Defendant.

Case No. 90-C-155-B

ORDER OF DISMISSAL WITH PREJUDICE

Pursuant to stipulation between the parties, this Court
hereby dismisses the above-captioned matter with prejudice.

IT IS SO ORDERED this 7th day of May, 1990.

S/ THOMAS R. BRETT

United States District Judge

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

Entered
FILED

MAY -7 1990

JACQUELYNNE CLERK
U.S. DISTRICT COURT

WILLIAM C. POWELL,

Plaintiff,

v.

Case No.: 86-C-654-C

THOMAS J. MIKULECKY, GEORGE
OATES, RUTH STEPHENS, and
WENDELL GILLIAM,

Defendants

WILLIAM C. POWELL,

Plaintiff,

vs.

(formerly 88-C-595-E,
prior to consolidation)

THE CITY OF BARTLESVILLE,

Defendant.


JOINT STIPULATION OF DISMISSAL WITH PREJUDICE

The plaintiff, William C. Powell, and the defendants, Thomas J. Mikulecky, George Oates, Ruth Stephens, Wendell Gilliam and the City of Bartlesville, advise the Court that the plaintiff, William C. Powell, has agreed and does dismiss with prejudice his case against the individual defendants, Thomas J. Mikulecky, George Oates, Ruth Stephens and William Gilliam, and the City of Bartlesville. Pursuant Rule 41, Fed. R. Civ. P., the parties jointly stipulate that William C. Powell's claims against all of the defendants be dismissed with prejudice and that each party be responsible for their own costs and attorney fees incurred herein.

Dated this 7th day of MAY, 1990.

NEWTON, O'CONNOR & COMSTOCK

By:


Jon B. Comstock, OBA #1836
P.O. Box 3163
Tulsa, OK 74101-3163
(918) 587-0101

Attorneys for the City of
Bartlesville

~~ROSENSTEIN, FIST & RINGOLD~~

By



~~Jon B. Comstock, OBA #1836~~

~~525 S. Main, Suite 300
Tulsa, OK 74103
(918) 585-9211~~

~~Attorneys for the City of
Bartlesville~~

CHAPEL, RIGGS, ABNEY, NEAL &
TURPEN

BY


Donald M. Bingham, OBA #794
M. Claire McNearney, OBA #11428

502 W. 6th
Tulsa, OK 74119
(918) 587-3161

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

MAY 7 1990

Jack C. Silver, Clerk
U.S. DISTRICT COURT

RANDY ABERCROMBIE,

Plaintiff,

v.

No. 84-C-55-B

CITY OF CATOOSA, OKLAHOMA, MAYOR CURTIS
CONLEY, and POLICE CHIEF BENNY DIRCK,

Defendants.

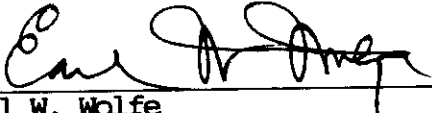
ORDER OF DISMISSAL WITH PREJUDICE

NOW ON this 7th day of May, 1990, it appearing to the
Court that this matter has been compromised and settled, this case is herewith
dismissed with prejudice to the refiling of a future action.

S/ THOMAS R. BRETT

United States District Judge

APPROVED AS TO FORM AND CONTENT:



Earl W. Wolfe
Attorney for Plaintiff



Walter D. Haskins
Attorney for Defendants

FILED
MAY 7 1990

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

Jack C. Silver, Clerk
U.S. DISTRICT COURT

CHARLES V. MARTIN,

Plaintiff,

vs.

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY,

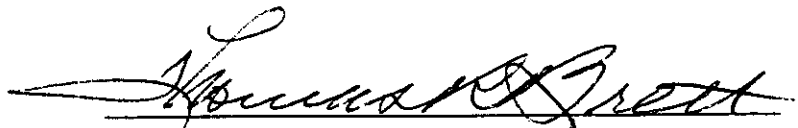
Defendant..

No. 89-C-661-B

J U D G M E N T

In accord with the Order filed this date sustaining the Defendant's Motion for Summary Judgment, the Court hereby enters Judgment in favor of the Defendant, State Farm Mutual Automobile Insurance Company, and against Plaintiff, Charles V. Martin. Plaintiff shall take nothing of his claim. Costs are assessed against the Plaintiff and each party is to pay its respective attorney's fees.

DATED, this 7th day of May, 1990.



THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

MAY 7 1990

Jack C. Silver, Clerk
U.S. DISTRICT COURT

CHARLES V. MARTIN,

Plaintiff,

vs.

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY,

Defendant..

No. 89-C-661-B /

O R D E R

Currently before the Court for consideration is Defendant's Motion for Summary Judgment. After reading the briefs and hearing oral arguments, the Court concludes as follows:

On January 16, 1989, Plaintiff was involved in an automobile accident with one of Defendant's insured, Joseph Medina. On January 18, 1989, Plaintiff submitted a property damage claim to State Farm requesting payment of Plaintiff's property damage. On February 3, 1989, State Farm employee Joyce Moss denied coverage for Plaintiff's loss, asserting that its insured was not at fault. Plaintiff initiated this action in the District Court of Tulsa County to recover for claims against State Farm and its insured Joseph Medina. On July 28, 1989, State Farm paid Plaintiff on behalf of Joseph Medina, the sum of \$3,674.40. In turn, Plaintiff executed a release as to all claims against Joseph Medina, but specifically reserved all claims against State Farm. The claims remaining against State Farm are for State Farm's breach of their duty to effectuate a prompt, fair and equitable settlement of

Plaintiff's claim and that State Farm engaged in deceit, fraud and misrepresentation in the handling of Plaintiff's claim in violation of the standard of care in 36 O.S. §1222(4).

Summary judgment pursuant to Fed.R.Civ.P. 56 is appropriate where "there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law." Celotex Corp. v. Catrett, 477 U.S. 317, 106 S.Ct. 2548, 91 L.Ed.2d 265 (1986); Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 106 S.Ct. 2505, 91 L.Ed.2d 202 (1986); Widon Third Oil and Gas v. Federal Deposit Insurance Corporation, 805 F.2d 342 (10th Cir. 1986). In Celotex, it is stated:

"Under Rule 56(c), summary judgment is proper 'if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.'

477 U.S. at 322. "When the moving party has carried its burden under Rule 56(c), its opponent must do more than simply show that there is some metaphysical doubt as to the material facts." Matsushita Electric Industrial Co., Ltd. v. Zenith Radio Corp., 475 U.S. 574 (1986).

Defendant asserts that 36 O.S. §1222(4) does not provide a private cause of action. Plaintiff asserts that State Farm violated the standard of care required under §1222(4), and thereby breached their duty to effectuate a prompt, fair and equitable settlement of Plaintiff's claim. (Response Brief, at p.1). In short, Plaintiff does not assert a cause of action under 36 O.S.

§1222(4), but argues the section establishes a standard of care. Plaintiff's argument must fail because strangers to an insurance contract cannot maintain an action against an insurer on grounds that the insurer failed to negotiate, fairly and in good faith, a settlement with a third party on behalf of the insured. Allstate Insurance Company v. Amick, 680 P.2d 362, 365 (Okla. 1984). The statute does not alter the common law in any way as to afford a third party a private cause of action for failing to settle a claim in good faith.

Plaintiff also asserts the State Farm engaged in deceit, fraud and misrepresentation in its handling of Plaintiff's claim. The tort of deceit occurs when:

"One who willfully deceives another, with intent to induce him to alter his position to his injury or risk, is liable for any damage which he thereby suffers."

76 O.S. § 2. Plaintiff, however, did not rely upon the statement or incur any damages thereby. "In order to secure relief on the basis of fraud, the person seeking redress must have been damaged. Fraud, without injury, is not actionable at law or in equity." Bridges v. Bridges, 544 P.2d 493 (Okla. 1975); Kelly v. Robertson, 160 P. 46 (Okla. 1916). Plaintiff has been fully compensated for the property damage and personal injuries he sustained from the auto accident.

"In our view, the plain language of Rule 56(c) mandates the entry of summary judgment, after adequate time for discovery and upon motion, against a party who fails to make a showing sufficient to establish the existence of an element essential to that party's case, and on which that party will bear the burden of proof

at trial. In such a situation, there can be 'no genuine issue as to any material fact,' since a complete failure of proof concerning an essential element of the nonmoving party's case necessarily renders all other facts immaterial. The moving party is 'entitled to judgment as a matter of law' because the nonmoving party has failed to make a sufficient showing on an essential element of her case with respect to which [he] has the burden of proof."

Celotex, at 322-323, *quoting*, Anderson v. Liberty Lobby, 477 U.S. 242 (1986). Plaintiff's claim for fraud, deceit and misrepresentation must fail where Plaintiff did not rely upon the representation and suffered no loss. Therefore, Defendant's motion for summary judgment is SUSTAINED.

IT IS SO ORDERED, this 7th day of May, 1990.

A handwritten signature in cursive script, reading "Thomas R. Brett", written over a horizontal line.

THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

MAY 7 1990 8

DONALD GENE MOORE,

Petitioner,

vs.

RON CHAMPION, WARDEN C.C.C.
AND THE ATTORNEY GENERAL OF
THE STATE OF OKLAHOMA,

Respondents.

Jack C. Silver, Clerk
U.S. DISTRICT COURT

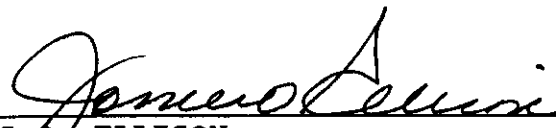
No. 89-C-617-E ✓

O R D E R

The Court has for consideration the Report and Recommendation of the Magistrate filed February 15, 1990. After careful consideration of the record and the issues, including the briefs and memoranda filed herein by the parties, the Court has concluded that the Report and Recommendation of the Magistrate should be and hereby are adopted by the Court.

IT IS THEREFORE ORDERED that Petitioner Donald Gene Moore's application for a writ of habeas corpus pursuant to 28 U.S.C. §2254 is denied.

ORDERED this 5th day of May, 1990.


JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

MAY 4 1990

Jack C. Silver, Clerk
U.S. DISTRICT COURT

HAROLD E. GRIFFIN,

Plaintiff,

vs.

Case No. 89-C-715-B

TULSA COUNTY AREA VOCATIONAL
TECHNICAL SCHOOL DISTRICT
NO. 18, a body corporate,

Defendant.

ORDER OF DISMISSAL WITH PREJUDICE

This cause is dismissed with prejudice pursuant to Rule 41(a)(2) Fed.R.Civ.P. based upon the parties' stipulation and settlement of all issues and controversies in this action.

IT IS SO ORDERED this 4th day of May, 1990.

S/ THOMAS R. BRETT

JUDGE OF THE DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED
MAY 4 1991

CHARLES W. JONES,

Plaintiff,

vs.

SPECIFIC SYSTEMS, LTD.,
an Oklahoma corporation,
and MIKE BOLICK,

Defendants.

)
)
)
)
)
)
)
)
)
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)

Jack C. Silver, Clerk
U.S. DISTRICT COURT


Case No. 89-C-418-E

STIPULATION OF DISMISSAL WITH PREJUDICE

COME NOW the parties hereto, by and through their respective attorneys of record, and, pursuant to Federal Rule of Civil Procedure 41(a)(1)(ii), stipulate to the dismissal of the above styled and numbered cause with prejudice to the any future action.


FRASIER & FRASIER

BY:


Steven R. Hickman, OBA #4172
1700 Southwest Boulevard
Suite 100
P. O. Box 799
Tulsa, OK 74101
918/584-4724
ATTORNEYS FOR PLAINTIFF

HANSON, HOLMES, FIELD & SNIDER

BY


Charles O. Hanson, OBA #3820
5918 E. 31st
Tulsa, OK 74135
918/627-4400
ATTORNEYS FOR DEFENDANTS

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

MAY 3 1990

LAURA MARIE LINDAHL, and CHARLES
B. LINDAHL,

Plaintiffs,

vs.

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY, an Illinois
Corporation,

Defendant.

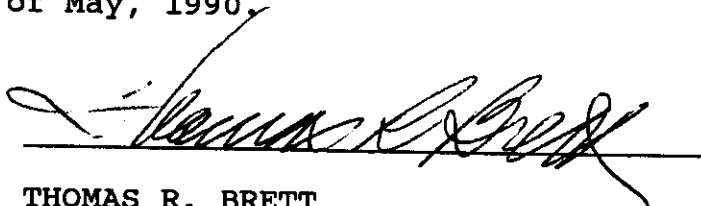
Jack C. Silver, Clerk
U.S. DISTRICT COURT

No. 88-C-1538-B

J U D G M E N T

In accord with the Order filed this date sustaining the Defendant's Motion for Summary Judgment, the Court hereby enters judgment if favor of the Defendant, State Farm Mutual Automobile Insurance Company, and against Plaintiffs, Laura Marie Lindahl and Charles B. Lindahl. Plaintiffs are to take nothing of their claims. Costs are assessed against the Plaintiffs and each party is to pay its respective attorney's fees.

DATED, this 3rd day of May, 1990.



THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

MAY -2 1990

WILLIAM L. OLIVER, CLERK
U.S. DISTRICT COURT

JERRY L. HAYDEN,
Plaintiff,

vs.

PILOT LIFE INSURANCE COMPANY,
Defendant.

No. 85-C-1029-C

PILOT LIFE INSURANCE COMPANY,
Plaintiff,

vs.

JERRY L. HAYDEN, et al.,
Defendants.

No. 86-C-687-C

AGREED JOURNAL ENTRY OF JUDGMENT

NOW, on this 2nd day of may, 1990, comes on before me the above-entitled cause and action, Stephen C. Wilkerson and Paul D. Brunton, appearing on behalf of Jerry L. Hayden and Bradley K. Beasley appearing on behalf of Federal Deposit Insurance Corporation, in its corporate capacity, and the Court being fully advised in the premises finds as follows:

1. On or about, July 16, 1985, for good and valuable consideration, Defendant Jerry L. Hayden ("Hayden") made, executed and delivered to First State Bank of Oilton, Oklahoma ("Bank") that certain Single Payment Note, Disclosure Statement and Security Agreement, bearing Note No. 24327 in the original principal sum of One Hundred Thousand Dollars (\$100,000.00), plus

interest accruing thereon from and after the date thereof until paid in full at the rate of fifteen percent (15%) per annum (the "A-Note").

2. Defendant Hayden has failed and refused and continues to fail and refuse to pay all sums due and owing under the terms of the A-Note and as a result is in default thereunder.

3. As of April 1, 1990, there is due and owing under the terms of the A-Note the principal sum of Twenty Thousand Dollars (\$20,000.00), plus accrued interest in the sum of Eleven Thousand Seven Hundred Twelve and 96/100 Dollars (\$11,712.96), plus interest accruing from and after April 1, 1990, to date of judgment at the rate of Eight and 22/100 Dollars (\$8.22) per diem.

4. Under the terms of the A-Note, Defendant Hayden also is liable for all costs of collection and a reasonable attorney's fee in the amount of fifteen percent (15%) of the unpaid balance of the A-Note.

5. On or about June 19, 1986, for good and valuable consideration, Defendant Hayden made, executed and delivered to the Bank that certain Single Payment Note, Disclosure Statement and Security Agreement bearing Note No. 25380 in the original principal amount of Five Thousand Dollars (\$5,000.00), plus interest accruing thereon from and after the date thereof until paid in full at the rate of fifteen percent (15%) per annum (the "B-Note").

6. Defendant Hayden has failed and refused and continues to fail and refuse to pay all sums due and owing under the terms of the B-Note and as a result is in default thereunder.

7. As of May 1, 1988, there is due and owing under the terms of the B-Note the principal sum of Five Thousand Dollars (\$5,000.00), plus accrued interest in the sum of Two Thousand Seven Hundred Forty-One and 66/100 Dollars (\$2,741.66), plus interest accruing from and after April 1, 1990, to date of judgment at the rate of Two and 05/100 Dollars (\$2.05) per diem.

8. Under the terms of the B-Note, Defendant Hayden also is liable for all costs of collection and a reasonable attorney's fee in the amount of 15% of the unpaid balance of the B-Note.

9. On or about July 16, 1985, for good and valuable consideration Defendants Hayden and Christopher A. Romine ("Romine") made, executed and delivered to the Bank that certain Single Payment Note, Disclosure Statement and Security Agreement, bearing Note No. 24326 in the original principal amount of Five Thousand Dollars (\$5,000.00), plus interest accruing thereon from and after the date thereof until paid in full at the rate of fifteen percent (15%) per annum (the "C-Note").

10. Defendants Hayden and Romine have failed and refused and continue to fail and refuse to pay all sums due and owing under the terms of the C-Note and as a result are in default thereunder.

11. As of May 1, 1988, there is due and owing under the terms of the C-Note the principal sum of Four Thousand Dollars

(\$4,000.00) together with accrued interest in the sum of One Thousand Nine Hundred Eighty-Six and 85/100 Dollars (\$1,986.85), plus interest accruing from and after April 1, 1990, to date of judgment at the rate of One and 65/100 Dollars (\$1.65) per diem.

12. Under the terms of the C-Note, Defendants Hayden and Romine also are liable for all costs of collection and a reasonable attorney's fee in the amount of fifteen percent (15%) of the unpaid balance of the C-Note.

13. On February 11, 1988, the Oklahoma Banking Commissioner (the "Commissioner") issued Order No. 88-R-1 closing the Bank and assumed exclusive custody and control of the property and affairs of the Bank, all pursuant to Okla. Stat. tit. 6, §1202(B) (1984).

14. The Commissioner tendered to Federal Deposit Insurance Corporation appointment as the Liquidating Agent of the Bank (the "Liquidating Agent"), pursuant to Okla. Stat. tit. 6, §1205(B) (1984).

15. Pursuant to 12 U.S.C. §1821(e), Federal Deposit Insurance Corporation accepted appointment as Liquidating Agent of the Bank and became possessed of all assets, business and property of the Bank pursuant to Okla. Stat. tit. 6, §1205(C) (1984).

16. Subsequent thereto, Federal Deposit Insurance Corporation, in its corporate capacity ("FDIC") acquired certain assets, business and property of the Liquidating Agent including the A-Note, the B-Note, the C-Note and the D-Note, together with any and all collateral securing the same. 17. On April 21, 1982,

FDIC was substituted as a party-defendant in this matter in place of the Bank.

17. FDIC is entitled to have judgment rendered in its favor and against Defendant Hayden on the A-Note, the B-Note and the C-Note.

Based upon the foregoing findings of fact,

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that judgment be and is hereby entered in favor of FDIC and against Defendant Jerry L. Hayden on the A-Note for the principal sum of \$20,000.00 plus accrued interest in the sum of \$11,712.96, plus interest accruing from and after April 1, 1990, to this date at the rate of \$8.22 per diem, all costs and expenses incurred herein, an attorney's fee in the amount of \$4,756.94, plus interest on the total from this date until paid in full at the rate of 8.32% per annum.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that judgment be and is hereby entered in favor of FDIC and against Defendant Jerry L. Hayden on the B-Note for the principal sum of \$5,000.00 plus accrued interest in the sum of \$2,741.66, plus interest accruing from and after April 1, 1990, to this date at the rate of \$2.05 per diem, all costs and expenses incurred herein, an attorney's fee in the amount of \$1,161.25, plus interest on the total from this date until paid in full at the rate of 8.32% per annum.

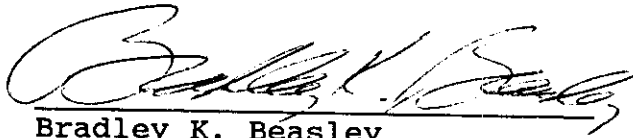
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that judgment be and is hereby entered in favor of FDIC and against Defendant

Jerry L. Hayden on the C-Note for the principal sum of \$4,000.00 plus accrued interest in the sum of \$1,986.85, plus interest accruing from and after April 1, 1990, to this date at the rate of \$1.65 per diem, all costs and expenses incurred herein, an attorney's fee in the amount of \$898.00, plus interest on the total from this date until paid in full at the rate of 8.32% per annum.

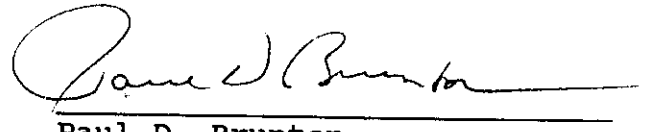
IT IS SO ORDERED.


UNITED STATES DISTRICT COURT JUDGE

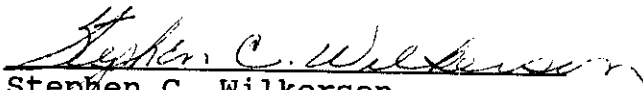
APPROVED AND ACCEPTED BY:



Bradley K. Beasley
BOESCHE, McDERMOTT & ESKRIDGE
800 ONEOK Plaza
100 West Fifth Street
Tulsa, Oklahoma 74103
ATTORNEY FOR FEDERAL DEPOSIT
INSURANCE CORPORATION



Paul D. Brunton
1310 S. Denver Avenue
Tulsa, Oklahoma 74119
ATTORNEY FOR DEFENDANT
JERRY L. HAYDEN



Stephen C. Wilkerson
Knight, Wagner, Stuart,
Wilkerson and Lieber
P.O. Box 1560
Tulsa, Oklahoma 74101
ATTORNEY FOR DEFENDANT
JERRY L. HAYDEN

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

F I L E D

MAY 2 1990

LEROY WAYNE JACKSON,

Plaintiff,

vs.

THE STATE OF OKLAHOMA and
THE COUNTY OF TULSA, OKLAHOMA,

Defendants.

No. 89-C-1021-E

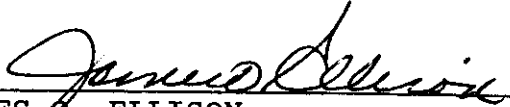
Jack C. Silver, Clerk
U.S. DISTRICT COURT

O R D E R

Plaintiff has filed a motion to dismiss his civil rights complaint without prejudice. Defendants make no objection.

IT IS THEREFORE ORDERED that this action is dismissed without prejudice.

ORDERED this 12th day of MAY, 1990.


JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

FILED

MAY 2 1990

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

Jack C. Silver, Clerk
U.S. DISTRICT COURT

ADALINE NUCKOLS

Plaintiff,

vs.

Case No. 89-C-185-E

MID-PLAINS LAND & MINERAL
CORPORATION, MID-PLAINS LAND &
MINERAL, A LIMITED PARTNERSHIP,
ROBERT L. BOWMAN, and EARL WHITLEY

Defendants.

FINAL JUDGMENT

On April 16, 1990, the above styled and entitled matter came on for jury trial before me, the undersigned Judge of this United States District Court. The Plaintiff appeared in person and by her attorney, Mr. John R. Paul; the Defendants Mid-Plains Land & Mineral Corporation, Mid-Plains Land & Mineral, a limited partnership, Earl Whitley, Ginger Whitley, and Financial Management Systems, appeared personally and by their attorney, Ms. Kimberly Steele; Mr. Robert L. Bowman appeared personally and by his attorney, Mr. Grant Cheadle. All parties announced ready.

A jury of six men and women were selected and sworn, and evidence was presented to them. Prior to the conclusion of the Plaintiff's evidence, the Plaintiff announced that she had reached a settlement agreement with the Defendants Ginger Whitley and Financial Management Systems. The case proceeded as to the remaining Defendants, and at the conclusion of the Plaintiff's evidence, the Defendants, and each of them, moved for a directed verdict which was overruled with exceptions allowed.

Thereafter, jury trial upon the merits continued, the Defendants presented their evidence, and after both sides rested, the Plaintiff moved for a directed verdict for a violation of the Missouri Securities Laws, and the Motion for Directed Verdict by the Plaintiff was sustained as to the Defendants Mid-Plains Land & Mineral Corporation, Mid-Plains Land & Mineral, a limited partnership, Robert L. Bowman and Earl Whitley. The Court advised that judgment would be entered in favor of the Plaintiff and against those Defendants for the amount of \$120,000, plus interest as provided for by the Missouri Statutes at 8% per annum from the date of each investment until April 19, 1990 less the amount of interest already paid of \$13,646.00. The Court then advised the claims for violation of the Oklahoma Securities Laws and the Federal Securities Laws would be deemed moot.

The case proceeded as to all Defendants on the common law claims of fraud, negligence, and breach of fiduciary duty. After closing arguments, the Court read its instructions to the jury, and after due and careful consideration, the jury returned the following verdict on April 19, 1990:

WE, THE JURY, DULY EMPANELED IN THE ABOVE CAUSE, ANSWER THE FOLLOWING QUESTIONS:

1. DID ONE OR MORE OF THE DEFENDANTS DEFRAUD MRS. NUCKOLS?

YES X

NO —

1A. IF YES, WHICH OF THE DEFENDANTS IS OR ARE LIABLE?

MID-PLAINS CORPORATION	<u>X</u>
MID-PLAINS, LIMITED PARTNERSHIP	—
ROBERT L. BOWMAN	<u>X</u>
EARL WHITLEY	<u>X</u>

2. WAS ONE OR MORE OF THE DEFENDANTS NEGLIGENT IN HANDLING MRS. NUCKOLS' INVESTMENT?

YES X

NO —

- 2A. IF YES, WHICH OF THE DEFENDANT IS OR ARE LIABLE FOR THIS NEGLIGENCE?

MID-PLAINS CORPORATION	<u>X</u>
MID-PLAINS, LIMITED PARTNERSHIP	—
ROBERT L. BOWMAN	<u>X</u>
EARL WHITLEY	<u>X</u>

3. DID ONE OR MORE OF THE DEFENDANTS BREACH A FIDUCIARY DUTY TO MRS. NUCKOLS?

YES X

NO —

- 3A. IF YES, WHICH OF THE DEFENDANTS IS OR ARE LIABLE FOR THIS BREACH OF FIDUCIARY DUTY?

MID-PLAINS CORPORATION	—
MID-PLAINS, LIMITED PARTNERSHIP	—
ROBERT L. BOWMAN	<u>X</u>
EARL WHITLEY	—

4. IF YOU HAVE CONCLUDED THAT ONE OR MORE OF THE DEFENDANTS COMMITTED ANY OF THE ABOVE VIOLATIONS YOU MUST FIX THE

AMOUNT OF DAMAGES THAT WILL COMPENSATE MRS. NUCKOLS FOR
HER DAMAGES AND ENTER THAT AMOUNT BELOW.

\$120,000 plus 12.5%
interest (to date)
less interest already
paid (\$13,646.00)

On April 20, 1990, jury trial continued on the issue of
punitive damages. No party presented any evidence, and after
closing arguments and the reading of the punitive damage
instruction to the jury, the jury returned with the following
verdict:

WE, THE JURY, DULY EMPANELED IN THE ABOVE CAUSE, ANSWER THE
FOLLOWING QUESTIONS:

1. ARE ONE OR MORE OF THE DEFENDANTS LIABLE FOR PUNITIVE
DAMAGES:

YES X

NO

2. IF YES, WHICH OF THE FOLLOWING DEFENDANTS IS LIABLE?

MID-PLAINS CORPORATION X

ROBERT L. BOWMAN X

EARL WHITLEY X

3. IF YOU HAVE CONCLUDED THAT ONE OR MORE OF THE DEFENDANTS
IS LIABLE FOR PUNITIVE DAMAGES YOU MUST FIX THE AMOUNT OF
PUNITIVE DAMAGES FOR EACH DEFENDANT AND ENTER THAT

AMOUNT BELOW.

MID-PLAINS CORPORATION	\$35,000.00
ROBERT L. BOWMAN	10,000.00
EARL WHITLEY	45,000.00

Polling of the jury was waived by all parties and the Court received both verdicts, and after concluding they were in proper form, directed that they be filed of record in the case.

Therefore, based upon the jury's verdicts dated April 19, 1990 and April 20, 1990,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that based upon the foregoing verdicts, the Plaintiff Adaline Nuckols shall have and recover from the Defendants Mid-Plains Land & Mineral Corporation, Mid-Plains Land & Mineral, a limited partnership, Robert L. Bowman and Earl Whitley, the principal sum of \$120,000.00, together with interest of \$9,020.59 (representing \$22,666.59, (8% per annum) less \$13,646.00 interest already paid).

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Plaintiff Adaline Nuckols shall have and recover from the Defendants Mid-Plains Land & Mineral Corporation, Robert L. Bowman and Earl Whitley the additional sum of \$13,625.96, representing the difference between the 12.5% interest as allowed by the jury verdict of April 19, 1990 and the 8% interest as directed by the Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Plaintiff Adaline Nuckols shall have and recover the following additional sums for punitive damages, to-wit: The Defendant Mid-Plains Land &


Mineral Corporation, \$35,000.00; the Defendant Robert L. Bowman, \$10,000.00; the Defendant Earl Whitley, \$45,000.00.


IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all of the above-referenced sums shall bear postjudgment interest at the rate of 8.32% from April 20, 1990 until paid in full.

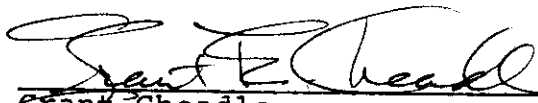
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that there is no just reason for delay in entering the foregoing as final judgments in this case and the Clerk is hereby directed to enter judgments against the above listed Defendants in the amounts specified herein.

S/ JAMES O. ELLISON
United States District Judge

APPROVED AS TO FORM:


John R. Paul
Attorney for Plaintiff


Kimberly Steele
Attorney for Earl Whitley,
Ginger Whitley, Financial
Management Systems, Inc.,
Mid-Plains Land & Mineral
Corporation and Mid-Plains
Land & Mineral, a Limited
Partnership


Grant Cheadle
Attorney for Robert L. Bowman

F I L E D

JUDGE OF THE UNITED STATES
DISTRICT COURT FOR THE
NORTHERN DISTRICT

FILED

MAY 2 1990

Jack C. Silver, Clerk
U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

DOLLIE KRATZ,

Plaintiff,

v.

WAL-MART STORES, INC.,

Defendant.

No. 89-C-806-E

ORDER OF DISMISSAL WITH PREJUDICE

NOW ON this 1 day of May, 1990, it appearing to the Court that this matter has been compromised and settled, this case is herewith dismissed with prejudice to the refiling of a future action.

/s/ JAMES O. ELLISON

United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

MAY -2 1990

JACK C. SILVER, CLERK
U.S. DISTRICT COURT

LEISURE TRAVEL, INC., d/b/a
INTERNATIONAL TOURS OF BRISTOW,
BILL C. BURNS and WANDA J.
BURNS,

Plaintiffs,

v.

EMPRISE BANK, formerly known
as Citizens National Bank in
Eureka, Kansas,

Defendant.

Case No. 89-C-1053-E

STIPULATION OF DISMISSAL

The parties, pursuant to Fed. R. Civ. P. 41(a)(1)(ii),
hereby stipulate to the dismissal of this action with prejudice.

LEISURE TRAVEL, INC., d/b/a
INTERNATIONAL TOURS OF BRISTOW;
BILL C. BURNS; and WANDA J. BURNS,
PLAINTIFFS

By: 

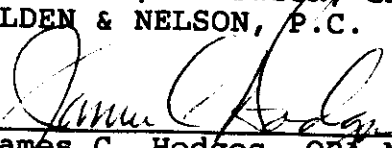
Earl W. Wolfe
The Hartford Building, Suite 123
110 South Hartford
Tulsa, Oklahoma 74120
(918) 582-3168

ATTORNEY FOR PLAINTIFFS

EMPRISE BANK, formerly known as
Citizens National Bank of Eureka,
Kansas, DEFENDANT

HALL, ESTILL, HARDWICK, GABLE,
GOLDEN & NELSON, P.C.

By:


James C. Hodges, OBA No. 4254
Claire V. Eagan, OBA No. 554
4100 Bank of Oklahoma Tower
One Williams Center
Tulsa, Oklahoma 74172
(918) 588-2700

ATTORNEYS FOR DEFENDANT

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CIVIL ACTION NO. 89-C-813-E

EIGHTY-SEVEN THOUSAND
SEVEN HUNDRED EIGHTY-TWO
DOLLARS (\$87,782.00)
IN UNITED STATES CURRENCY;

and

SIXTY THOUSAND DOLLARS
(\$60,000.00)

IN UNITED STATES CURRENCY;

and

FIFTEEN THOUSAND DOLLARS
(\$15,000.00)

IN UNITED STATES CURRENCY;

and

ONE 1979 PORSCHE TURBO
CARRERA,

VIN 9309800549;

and

ONE 1976 PORSCHE 912,
VIN 129022340;

and

ONE LADIES DIAMOND AND
GOLD TIFFANY WATCH;

and

ONE MENS JAEGER LeCOULTRE
WATCH;

and

ONE LADIES EMERALD AND
DIAMOND BRACELET;

and

ONE HUNDRED EIGHTY-NINE
(189) LOOSE GEMSTONES;

Defendants.

FILED

MAY 1 1990

Jack C. Silver, Clerk
U.S. DISTRICT COURT

JUDGMENT OF FORFEITURE

IT NOW APPEARS that the forfeiture proceeding herein
has been fully compromised and settled. Such settlement more
fully appears by the written Stipulation For Compromise entered

into by and between Claimant Gabriel Banon and the United States of America on the 26th day of March, 1990, and filed herein, to which Stipulation for Compromise reference is hereby made and is incorporated herein.

It further appearing that no other claims to said property have been filed since such property was seized and that no other persons have any right, title, or interest in the defendant property, and that default was entered by the Clerk of the Court against all of the defendant properties, except the 1979 Porsche, VIN 9309800549, and against all persons or entities interested in the defendant properties.

Now, therefore, on motion of Catherine J. Depew, Assistant United State Attorney, and with the consent of Claimant Gabriel Banon, it is

ORDERED that the claims of Gabriel Banon in the related administrative action be, and the same hereby are, dismissed with prejudice and without costs as to all of the defendant properties, and it is

FURTHER ORDERED AND DECREED that the following defendant properties be, and hereby are, condemned as forfeited to the United States of America and shall remain in the custody of the United States Marshal for disposition according to law:

EIGHTY-SEVEN THOUSAND
SEVEN HUNDRED EIGHTY-TWO
DOLLARS (\$87,782.00)
IN UNITED STATES CURRENCY;
and
SIXTY THOUSAND DOLLARS
(\$60,000.00)
IN UNITED STATES CURRENCY;
and
FIFTEEN THOUSAND DOLLARS
(\$15,000.00)
IN UNITED STATES CURRENCY;
and
ONE 1976 PORSCHE 912,
VIN 129022340;
and
ONE LADIES DIAMOND AND
GOLD TIFFANY WATCH;
and
ONE MENS JAEGAR LECOULTRE
WATCH;
and
ONE LADIES EMERALD AND
DIAMOND BRACELET;
and
ONE HUNDRED EIGHTY-NINE
(189) LOOSE GEMSTONES;

and it is

FURTHER ORDERED that this action is dismissed as to the defendant 1979 Porsche, VIN9309800549, without prejudice and without costs, and that this vehicle shall be returned to the Claimant Gabriel Banon by the United States Marshal for the Central District of California, and it is

FURTHER ORDERED that the \$ 1,500.00 bond posted in the related administrative action shall be returned to the Claimant, Gabriel Banon, by the United States Marshal for the Northern District of Oklahoma.

DATED this 1 day of May, 1990.

S/ JAMES O. ELLISON

JAMES O. ELLISON
JUDGE OF THE UNITED STATES DISTRICT
COURT FOR THE NORTHERN DISTRICT OF
OKLAHOMA

CJD/ch
00619

IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF OKLAHOMA

F I L E D

JEWEL JEAN COCHRAN and TERRY
MELVIN SMITH, Individually, and as)
surviving children of MELVIN)
EVERETT SMITH, and as Personal)
Representatives of the Heirs and)
Estate of MELVIN EVERETT SMITH,)
Deceased,)

Plaintiff(s),)

v.)

FIBREBOARD CORPORATION, et al.,)

Defendants.)

MAY 1 1990

Jack C. Silver, Clerk
U.S. DISTRICT COURT

No. 87-C-521-B

ORDER

NOW, on this 1st day of ~~April~~ ^{May}, 1990, this matter comes
before the Court upon Stipulation for Dismissal With Prejudice by
Plaintiffs, and each of them, and Defendant, Owens-Corning
Fiberglas Corporation.

It being shown to the Court that the issues and disputes
between them have been compromised and settled, the above matter
is dismissed with prejudice as to Defendant, Owens-Corning
Fiberglas Corporation, only.

IT IS SO ORDERED.

S/ THOMAS R. BRETT
JUDGE OF THE DISTRICT COURT

NOTE: THIS ORDER IS TO BE MAILED
BY MOVANT TO ALL COUNSEL AND
PRO SE LITIGANTS IMMEDIATELY
UPON RECEIPT. 1

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

MAY 1 1990

Jack C. Silver, Clerk
U.S. DISTRICT COURT

THURSTON FIRE & CASUALTY
INSURANCE COMPANY,

Plaintiff,

vs.

CONSTITUTION REINSURANCE
CORPORATION and COUNTY MUTUAL,

Defendants.

Case No. 87-C-132-B ✓

ADMINISTRATIVE CLOSING ORDER

The Parties having announced settlement and these proceedings being stayed thereby, it is hereby ordered that the Clerk administratively terminate this action in his records, without prejudice to the rights of the parties to reopen the proceedings for good cause shown for the entry of any stipulation or order, or for any other purpose required to obtain a final determination of the litigation.

IF, by August 31, 1990,

the parties have not reopened for the purpose of obtaining a final determination herein, this action shall be deemed dismissed with prejudice.

IT IS SO ORDERED this 1st day of MAY, 1990.


UNITED STATES DISTRICT JUDGE
THOMAS R. BRETT

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

MAY - 1 1990

CLERK
U.S. DISTRICT COURT

CRAWFORD ENTERPRISES
MANUFACTURING, INC.,

Plaintiff,

vs.

RYDER/P-I-E NATIONWIDE,
INC.,

Defendant and
Third Party Plaintiff,

vs.

DAVID P. KLINGSHIRN,

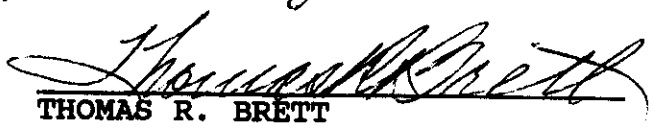
Third Party Defendant.

No. 84-C-395-B

J U D G M E N T

In accordance with the Order entered this date, Judgment is hereby entered in favor of Plaintiff, Crawford Enterprises, Inc., and against American Casualty Company of Reading, Pennsylvania, Surety, in the amount of \$375,000.00.

IT IS SO ORDERED this 1st day of May, 1990.


THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CIVIL ACTION NO. 89-C-529-B ✓

ONE PARCEL OF REAL PROPERTY,
WITH BUILDINGS, APPURTENANCES,
AND IMPROVEMENTS, KNOWN AS
12305 NORTH CINCINNATI AVENUE,
SPERRY, TULSA COUNTY, OKLAHOMA,
and

ONE PARCEL OF REAL PROPERTY,
WITH BUILDINGS, APPURTENANCES,
AND IMPROVEMENTS, KNOWN AS
5036 SOUTH 29th WEST AVENUE,
TULSA, TULSA COUNTY, OKLAHOMA,
and

ONE 1978 GMC 4x4 PICKUP,
VIN TKR148F709781,
and

ONE 1978 FORD F-150 VAN,
VIN S14HHCD3066,
and

ONE 1979 MERCURY GRAND
MARQUIS,
VIN 9Z65H666300,
and

ONE 1978 CHEVROLET CAPRICE
CLASSIC,
VIN 1N47L8S182805,

Defendant.

FILED

MAY 1 1990

Jack C. Silver, Clerk
U.S. DISTRICT COURT

JUDGMENT OF FORFEITURE

This cause having come before this Court upon
Plaintiff's Application filed herein, and being otherwise fully
apprised in the premises, it is

ORDERED, ADJUDGED, AND DECREED that Judgment be entered against the following-described defendant real property, with buildings, appurtenances, and improvements, known as:

**12305 NORTH CINCINNATI AVENUE,
SPERRY, TULSA COUNTY, OKLAHOMA,
more particularly described as:**

The North Half of the Northwest Quarter of the Southwest Quarter (N/2 NW/4 SW/4) and the Northwest Quarter of the Northeast Quarter of the Southwest Quarter (NW/4 NE/4 SW/4) and the Southeast Quarter of the Northwest Quarter of the Southwest Quarter (SE/4 NW/4 SW/4) and the South Half of the Northeast Quarter of the Southwest Quarter (S/2 NE/4 SW/4) of Section One (1), Township Twenty-one (21) North, Range Twelve (12) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof,

and against the following-described personal properties:

**ONE 1978 GMC 4x4 PICKUP,
VIN TKR148F709781,
and
ONE 1978 FORD F-150 VAN,
VIN S14HHCD3066,
and
ONE 1979 MERCURY GRAND
MARQUIS,
VIN 9Z65H666300,
and
ONE 1978 CHEVROLET CAPRICE
CLASSIC,
VIN 1N47L8S182805;**

and against all persons or entities interested in such defendant real and personal properties, except First National Bank of

Turley, Tulsa, Oklahoma, and that the said defendant real and personal properties be, and the same are, hereby forfeited to the United States of America for disposition by the United States Marshal according to law.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that First National Bank of Turley, Tulsa, Oklahoma, shall be paid the sum of \$38,208.57 as of March 1, 1990, and \$ 10.00 per diem interest thereafter until the date of closing, from the net proceeds of the sale.


THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

APPROVED:

TONY M. GRAHAM
United States Attorney


CATHERINE J. DEPEW
Assistant United States Attorney

CJD/ch
00586

FILED

MAY 1 1990

Jack C. Silver, Clerk
U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

TOM ABRAHAM,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 89-856-E
)	
FRED JONES FORD OF TULSA, INC.)	
)	
Defendant.)	

JUDGMENT

This action came on for decision of the Motion to Dismiss filed by the Defendant and the Court, Honorable James O. Ellison, District Judge, presiding, having entered an Order, dated March 27, 1990, granting said Motion to Dismiss,


IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Defendant's Motion to Dismiss should be and is hereby granted without prejudice for the reasons set forth in the Court's Order of March 27, 1990.

ORDERED this 1 day of May, 1990.


S/ JAMES O. ELLISON

JUDGE JAMES O. ELLISON
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

APPROVED AS TO FORM:


MICHAEL J. GIBBENS, OBA #3339
3800 First National Tower
Tulsa, OK 74103
(918) 581-8200

Attorney for Defendant,
Fred Jones Ford of Tulsa, Inc.


JEFF NIX, OBA #6688
2121 South Columbia, Ste. 710
Tulsa, OK 74114

Attorney for Plaintiff,
Tom Abraham

FILED

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

MAY 1 1990

Jack C. Silver, Clerk
U.S. DISTRICT COURT

ROBERT A. CHILCOAT, et ux.,)
)
Plaintiffs,)
)
vs.)
)
JAMES E. NEWBURN, et al.,)
)
Defendants.)

Case No. 88-C1515-E

JOURNAL ENTRY OF JUDGMENT IN FAVOR
OF RUDY WYATT CENTURY 21 REALTORS

Now on this 3rd day of April, 1990, the Motion for Summary Judgment by the Defendant, Rudy Wyatt Century 21 Realtors, comes on for consideration and the Court, after reviewing the Motion, the Exhibits attached thereto, and the other evidentiary material developed in the course of this case, finds as follows:

1. The Plaintiffs' claims against this Defendant arise out of alleged misrepresentations regarding the condition of a house which allegedly induced the Plaintiffs to enter into a contract to purchase said house on September 25, 1986.

2. In the Closing Acknowledgment executed on December 12, 1986, the Plaintiffs released and waived any right to make any such claim against the Defendant, Rudy Wyatt Century 21 Realtors.

3. In the Closing Acknowledgment Plaintiffs also agreed that the property was accepted in an "as is" condition and that Rudy Wyatt Century 21 Realtors was not an expert in ascertaining the condition of any property and that it had made no

representations, warranties, or guarantees with regard to the condition of the property.

4. Plaintiffs claim that they were induced to enter into the contract to purchase said house by alleged misrepresentations contained in a letter dated June 19, 1986, from the seller to Rudy Wyatt Century 21 Realtors is refuted by their own deposition testimony that they had never seen and, therefore, never relied on that letter in making that decision to purchase the property.

5. Plaintiffs claim that they were induced to purchase the property based on alleged misrepresentations in a structural engineer's report is not sufficient to create a basis for a claim against this Defendant, Rudy Wyatt Century 21 Realtors, in that there is no admissible evidence showing that Rudy Wyatt Century 21 Realtors supplied the report to the Plaintiffs.

6. The foregoing facts are undisputed and, further, the failure to respond and controvert any of the foregoing facts results in the same being admitted for the purposes of summary judgment pursuant to Rule 15, Rules for the United States District Court for the Northern District of Oklahoma.

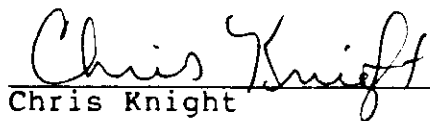
IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that judgment is rendered in favor of the Defendant, Rudy Wyatt Century 21 Realtors, and against the Plaintiffs, Robert A. Chilcoat and Anne M. Chilcoat, on all of their claims arising out of the operative events involved herein.

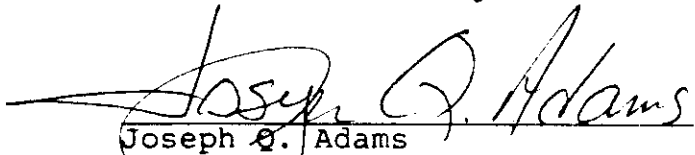
BY JAMES O. ELLISON

JUDGE ELLISON

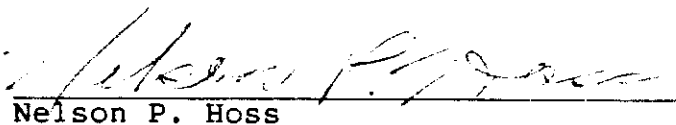
APPROVAL AS TO FORM:


Samuel Manipella


Chris Knight


Joseph Q. Adams


Robert E. Howard


Nelson P. Hoss

ckje7184

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED
JACK C. SIMS, CLERK
U. S. DISTRICT COURT

DEUTZ-ALLIS CREDIT CORPORATION,)
)
Plaintiff,)
)
v.)
)
FRANK STIDHAM, d/b/a WAGONER)
TRACTOR CO., FRANK STIDHAM,)
Guarantor, JEAN STIDHAM Guarantor,)
and DONALD L. HANSEN, Guarantor,)
)
Defendants.)

Case No. 89-C-280-C

DISMISSAL WITHOUT PREJUDICE

COMES NOW the plaintiff, Deutz-Allis Credit Corporation, and
dismisses this action without prejudice.

Grey W. Satterfield
Grey W. Satterfield OBA #7912

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of KORNFIELD & FRANKLIN
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